



## **STOPPING UNSAFE, FRINGE INTERCITY BUS PROVIDERS**

In the wake of two bus fires in less than five months, and persistent violations of basic safety and operational rules, federal and local officials must do a better job of regulating so-called curbside bus operators that provide service between major cities in the Northeast, including New York, Boston, Philadelphia and Washington, D.C. Failure to do so jeopardizes the safety of passengers and drivers and allows these fringe entities to undercut established carriers, such as Greyhound and Peter Pan, that follow federal rules and support good jobs for their employees.

Reports from passengers, legitimate bus providers, and state, local and federal officials paint a picture of operators that too often fail to comply with hours of service rules, drug and alcohol testing requirements, proper registration, licensing, insurance and maintenance practices. In addition, there are numerous reports and complaints that these carriers fail to safely dispose of waste products nor comply with the accessibility standards set by the American with Disabilities Act.

Unfortunately, we have already seen the problems that unregulated buses can cause on our nation's highways. In March, a Travel Pack bus operating from New York to Boston caught fire on the Massachusetts Turnpike. While, fortunately, no passengers were injured, the driver, who was convicted of negligent operations in connection with the fire, continued driving on a flat tire even after smoke became noticeable in the bus – pulling over only seconds before the entire bus caught on fire. Last year, the driver had been charged with five moving violations and had his commercial driver's license suspended for 60 days. The company had its safety rating downgraded in 2004 and was forced to pay \$9,000 in fines.

And just last month, a Fung Wah bus, operating this time from Boston to New York, erupted in 50 foot flames just moments after the driver and 45 passengers fled the vehicle. Federal records show that in 2004, the Federal Motor Carrier Safety Administration (FMCSA) cited the bus company for failing to do random drug and alcohol tests of its employees as well as for allowing a driver to work more than 70 hours in eight days. The citation resulted in fines totaling more than \$17,000.

These incidents are stark examples of what can happen when safety standards continue to be ignored, but they should not come as a surprise to federal officials. Recent FMCSA compliance reviews clearly indicate that low-cost operators score dramatically below the national average in terms of safety. For example, Fung Wah was assessed a driver safety rating of 73%, compared with a national average of 24%, and a safety management rating of 71% versus a 29% national average. Under the FMCSA rating system, the higher the rating value, the worse the safety status of the company, meaning that 73% of drivers across the country offer a safer trip to passengers than Fung Wah. Kristine Travel & Tours, the parent company of Travel Pack, fared even worse under the FMCSA analysis, with stunningly high driver and safety management ratings of 97% respectively, making it one of the least safe bus operations in the country.

Even when fines are issued, the amounts are seen as simply a cost of doing business and are not sufficient to deter unsafe operations. Furthermore, follow-up oversight and a consistent inspection regime are often lacking. Carriers may simply fix the problem identified, but then commit violations in other areas or when regulators are not paying attention. Some curbside providers may simply “go out of business,” but then quickly reappear under another name. Occasional and lax enforcement of our nation’s safety and operational rules is simply not working and regulators must begin a serious effort to ensure that all intercity bus providers are offering safe transportation in compliance with federal, state and local rules.

In particular, the FMCSA must immediately audit curbside operators to ensure compliance with hours of service rules, drug and alcohol testing requirements, maintenance rules and other safety critical procedures. The Department of Justice must act on complaints that curbside operators are not making their service accessible to passengers with disabilities. The Environmental Protection Agency needs to examine whether providers are disposing of waste products pursuant to agency rules and procedures designed to avoid contamination and environmental damage. At the local level, cities should follow the lead of Boston and require all fixed-route intercity bus providers to operate out of a central bus terminal where oversight and accountability can be assured. In addition, local transportation and public safety officials must ensure that bus operators are not continually violating parking and traffic laws as is too often the case today.

Federal and state rules governing intercity bus providers exist to ensure that the entire industry operates safely and in the public interest. By allowing a fringe element of the industry to evade basic requirements, legitimate providers are placed in an impossible competitive position. More importantly, the safety and well-being of passengers and other highway users is needlessly jeopardized. There is simply no reason for this double standard to exist and transportation labor calls on federal, state and local officials to institute measures that will protect the traveling public from this growing safety threat on our nation’s highways.

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